

SENATE BILL No. 271

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4.7.

Synopsis: Telemarketing. Provides that for purposes of the telemarketing statute, a writing signed by the consumer includes an electronic transaction subject to the uniform electronic transactions act. Deletes the requirement that a contract made through a telephone solicitation call must comply with all other statutes.

Effective: July 1, 2002.

Young R Michael

January 7, 2002, read first time and referred to Committee on Commerce and Consumer Affairs.

C
o
p
y



Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 271

A BILL FOR AN ACT to amend the Indiana Code concerning consumer sales and credit.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-4.7-2-7.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2002]: **Sec. 7.5. "Signed by the consumer"**
4 **includes electronic signatures:**

5 **(1) created, generated, sent, communicated, or stored by the**
6 **consumer; and**

7 **(2) subject to IC 26-2-8.**

8 SECTION 2. IC 24-4.7-4-4, AS ADDED BY P.L.189-2001,
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2002]: Sec. 4. (a) This section does not apply to any of the
11 following:

12 (1) A sale in which:

13 (A) no prior payment is made to a merchant;

14 (B) an invoice accompanies the goods or services; and

15 (C) a consumer is allowed seven (7) days to cancel the
16 services or return the goods without obligation for payment.

17 (2) A contractual agreement that:

2002

IN 271—LS 6899/DI 75+



- 1 (A) requires payment; and
- 2 (B) allows the consumer at least ten (10) days to cancel the
- 3 contract and receive a full refund of the payment.
- 4 (3) A sale regulated by 170 IAC 7-1.1-19.
- 5 (4) A newspaper subscription executed through a telephone call.
- 6 (b) A contract made under a telephone sales call is not valid and
- 7 enforceable against a consumer unless the contract complies with this
- 8 section.
- 9 (c) A contract made under a telephone sales call must satisfy all of
- 10 the following:
- 11 (1) The contract must be reduced to writing and signed by the
- 12 consumer.
- 13 ~~(2) The contract must comply with all other applicable laws.~~
- 14 ~~(3)~~ (2) The contract must contain the name, address, and business
- 15 telephone number of the seller, the total price of the contract, and
- 16 a detailed description of the goods or services being sold.
- 17 ~~(4)~~ (3) The description of goods or services as stated in the
- 18 contract must be the same as the description principally used in
- 19 the telephone solicitation.
- 20 ~~(5)~~ (4) The contract must contain, in bold, conspicuous type
- 21 immediately preceding the signature the words "you are not
- 22 obligated to pay any money unless you sign this contract and
- 23 return it to the seller".
- 24 ~~(6)~~ (5) The contract may not exclude from its terms any oral or
- 25 written representations made by the telephone solicitor to the
- 26 consumer in connection with the transaction.

C
o
p
y

